

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION**

GLOBAL WEATHER  
PRODUCTIONS, LLC,

Case No. 5:23-cv-01350-JKP-ESC

*Plaintiff,*

v.

JOE PAGS MEDIA, LLC, and  
McLAUGHLIN MEDIA  
MANAGEMENT LLC d/b/a M3  
MEDIA MANAGEMENT,

*Defendants.*

**DECLARATION OF ANDREW D. LOCKTON, ESQ.**

I, Andrew D. Lockton, declare as follows:

1. I am an attorney duly licensed and admitted to practice before this Court and a member of the law firm of McHale & Slavin, P.A. I am counsel for the Defendants, Joe Pags Media, LLC (“JPM”) and McLaughlin Media Management LLC d/b/a M3 Media Management (“M3”) (collectively, “Defendants”), in the above-captioned case, along with Edward F. McHale of my firm. I have personal knowledge of the facts in this declaration, and if called upon and sworn as a witness I could testify competently to them. I make this declaration in support of Defendant’s Motion to Dismiss Plaintiff’s Second Amended Complaint.

2. Exhibit “A” is a true and correct copy of the letter I sent to Plaintiff’s counsel on July 22, 2024, pursuant to this Court’s standing order regarding Rule 12(b)(6) motions, advising Plaintiff’s counsel of the deficiencies in the First Amended Complaint and advising of Plaintiff’s right to amend and file a second amended complaint to correct those deficiencies.

3. Exhibit “B” is a true and correct copy of a screen printout from YouTube at the URL <https://www.youtube.com/watch?v=rhR-R-cgAXA>, referenced in paragraph 16 of the Second Amended Complaint. This screenshot was taken by me on August 6, 2024.

4. Exhibit “C” is a true and correct copy of the webpage located at the URL <https://wxchasing.com>, referenced in the YouTube printout provided as Exhibit B. The screenshot was taken by me on August 6, 2024.

5. Exhibit “D” is a true and correct copy of the Terms of Service for YouTube, located at the URL <https://www.youtube.com/static?template=terms>.

6. Exhibit “E” is a true and correct copy of the complaint filed by Plaintiff’s counsel on May 29, 2024, on behalf of Mr. Michael Brandon Clement, commencing the action styled *Clement v. IHeartMedia, Inc.*, Case No. 5:24-cv-00581-OLG (W.D. Tex.).

7. Exhibit “F” is a true and correct printout of the docket sheet for Case No. 5:24-cv-00581-OLG (W.D. Tex.), from August 22, 2024.

8. Exhibit “G” is a true and correct copy of the services agreement between M3 and JPM dated October 14, 2021.

9. Exhibit “H” is a true and correct printout from the “page transparency” of the “Joe Pags” Facebook account. That account is identified as the “FB Account” in the Second Amended Complaint. The printout was taken by me on May 17, 2024.

10. Exhibit “I” is a true and correct copy of the United States Patent and Trademark Office’s Trademark Registration No. 4,675,563 for the “WN” design mark registered by WeatherNation TV, Inc.

Pursuant to 28 U.S.C. § 1746, I hereby certify that the foregoing is true and correct.

Executed this 26<sup>th</sup> day of August, 2024, at Palm Beach Gardens, Florida.

/s/ Andrew D. Lockton  
Andrew D. Lockton